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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,020	04/20/2005	Kjell Lindskog	PAH-104	8970
7590	12/12/2007		EXAMINER	
Mark P Stone 4th Floor 25 Third Street Stamford, CT 06905			AU, SCOTT D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,020

Applicant(s)

LINDSKOG, KJELL

Examiner

Scott Au

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on September 24, 2007 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

According to claims 6 and 7, the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice (i.e. See 37 CFR 1.104(d)(2)).

Claims 1-20 are pending

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniffin et al. (US# 5,705,991) in view of Levy (US# 4,884,507) and further in view of Trempala (US# 4,567,741).

Referring to claim 1, Kniffin et al. teach of a process of opening a container for the transportation of valuable objects, in the form of a delivery truck container 62, shown in Figure 4. The container 62 includes the claimed first electronic unit (2), in the form of an access control device 64, which functions to allow opening of the container 62 and

guards against unauthorized opening {see Kniffin et al, column 8, lines 15-19}. And wherein a person-carried primary key (10), in the form of an ID device 70, includes a second electronic unit (12), in the form of memory 48 shown in Figure 2, for communication with the access control device 64 so as to initiate opening of said container 62. Kniffin et al states that the ID device 70 (person-carried primary key (10)) supplies the identity of the accessing party (i.e. subset AB). The proximity card at the intended destination (secondary key (20)) supplies the authorized location of the scheduled stop of the container (i.e. subset CD) {see Kniffin et al, column 8, lines 38-41}. Kniffin et al further states that **"if the truck visits an unauthorized location, the access control device will sense either the absence of an identification device, or will sense an identification device that does not correspond to an authorized stop. In either case, the access control device will block access to the truck's contents"** {see Kniffin et al, column 8, lines 44-49}. This implies that the process is characterized by using a secondary key (20), in the form of a proximity card mounted at a loading dock at an intended destination, which together with the ID device 70 completes the full code-set (ABCD) required to initiate opening of the container 62, as claimed {see Kniffin et al, column 8, lines 30-41}. Furthermore, Kniffin et al states, **"In a high security application, the access control device can be configured to require the presence of two or more authorized users before permitting access to the secured area"** {see Kniffin et al, column 9, lines 26-31}. It further implies that the authorized location in combination with two or more authorized users forms the full

code-set (i.e. authorized location plus two or more authorized ID codes) to allow an authorized opening of the container 62 at the scheduled truck stop.

However, Kniffin et al. did not explicitly disclose means for destroying the valuable objects or documents contained said in container unless said container is deactivated by the correct code and simultaneously co-action between said primary and secondary keys for initializing opening/deactivation of said container.

In an analogous art, Levy teaches means for destroying the valuable objects or documents contained said in container when said container is manipulated unlawfully (i.e. see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have means for destroying the valuable objects or documents contained said in security container with Kniffin et al. with the motivation for doing so would aid in preventing unauthorized access of the security container.

However, Kniffin et al. in view of Levy did not explicitly disclose simultaneously co-action between said primary and secondary keys for initializing opening/deactivation of said container.

In an analogous art, Trempala teaches the method of simultaneously co-action between said primary and secondary keys for initializing opening/deactivation of said container and removable of the primary key from the container (col. 1 lines 5-17 and 46-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the method of simultaneously co-action between said primary and secondary keys for initializing opening/deactivation of said container with Kniffin-

Levy with the motivation for doing so would aid in preventing unauthorized access of the security container and removable of the primary key from the container.

Referring to claim 2, Kniffin et al. teach in column 8, lines 44-49, that **“the truck senses the absence of an identification device or the absence of an identification device that does not correspond to an authorized stop”**, which implies that the secondary key, in the form of a proximity card or an electronic key carried by a manager {see Kniffin et al, column 8, lines 32-35+} includes a third electronic unit, in the form of a memory, for storing an authorized location code or identity code of the authorized scheduled stop.

Referring to claim 3, Kniffin et al. teach of a truck delivery schedule comprising of several scheduled stops so that after the first scheduled stop, the process of authentication performed on the first scheduled stop is repeated {see Kniffin et al, column 8, lines 42-43}. It is implied that the location ID of the second stop differs from the location ID of the first stop, which corresponds to the claimed “there is placed at said destinations secondary keys (20) that have mutually varying code subsets.” Also see Kniffin et al, column 9, lines 11-22.

Referring to claim 4, Kniffin et al. teach of limiting the period of authorization in any of the scheduled delivery stops {see Kniffin et al, column 8, lines 55-65}.

Referring to claim 5, Kniffin et al. teach of a delivery truck, which implies limiting the scheduled delivery stops of the truck to geographical land-based area.

Referring to claim 10 recites the elements of claim 2 and therefore rejected on the same basis.

Referring to claim 11, Kniffin et al. teach that the system shown in Figure 4 is used in conjunction with authorized scheduled stops at various geographical locations {see Kniffin et al, column 8, lines 62-67 and column 9, lines 14-18}.

Referring to claim 12 recites the limitations of claim 3 and therefore rejected on the same basis, wherein the order of delivery stops in Kniffin et al is considered functionally equivalent to the claimed "respective destination places along a transportation route" {see Kniffin et al, column 8, lines 42-43 and lines 62-65; column 9, lines 11-22+}.

Referring to claims 8-9 recite the elements of claim 2 except, Kniffin et al does not show a first or second casing, as claimed. The Examiner is taking Official notice that ID devices, such as key fobs, are encapsulated in a casing to protect the circuitry of the electronic device from damage. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the ID device 70 and proximity card of Kniffin et al in a first and second casing, as shown in Figure 4, because the first and second casing will advantageously be utilized to protect the ID device and proximity card circuitry from damage and protect the user from getting electrocuted, the same way car remote controllers (i.e. key fobs) are protected with a casing.

Referring to claim 13 recites the limitations of claim 10 and therefore rejected on the same basis.

Referring to claims 14-17 recites the limitations of claim 8 and therefore rejected on the same basis.

Referring to claims 18-20 recites the limitations of claim 3, wherein the various scheduled stops of the truck are considered as functionally equivalent to the claimed "different geographical destinations" {see Kniffin et al, column 8, lines 42-43 and column 9, lines 11-22+}.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniffin et al. (US# 5,705,991) in view of Levy (US# 4,884,507) and Trempala (US# 4,567,741) as applied to claim 1 above, and further in view of Giessler (US# 6,538,557).

Regarding claim 6 and 7, Kniffin-Levy did explicitly disclose blocking a lost key and replacing the lost key with a new key. However, at the time of applicant's invention, these claim limitations would have been obvious in the system of Kniffin-Levy, to one of ordinary skill in the art because losing a key means that the delivery truck of Kniffin et al cannot be accessed. Giessler, in an analogous art, teaches, **"When a key is lost, stolen, or misplaced, then the key should be replaced and blocked"** {see Giessler, column 5, lines 56-63+}. Giessler suggests that it is advantageous to block a lost or stolen key because it prevents a thief from using the stolen key and other keys remain authorized so that the vehicle can continue to be used for access {see Giessler, paragraph bridging columns 1 and 2}.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 1-5 and 8-20 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-4, 9, 11 and 20 of copending Application No.

10/502,018. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the present invention and '10/502,018' are claiming the same subject matter, namely, a process and apparatus for providing security to a transportable container using the combination of dual key ID codes to initiate deactivation of an alarm installed in the container and/or opening the container upon reaching a destination within a geographic area. The apparatus comprises of a first key storing the first key code, carried by a user and supplies the first key code. A second key installed in the premises of the destination, storing the second key code and, in combination with the first key simultaneously, supplies the second key code to complete a code-set for initializing opening/deactivation of said container and destroying the valuable objects or documents within the container if the set of codes are invalid.

In this case, claim 11 of '018' read on claim 1 of the present invention. Claim 2 of '018' reads on claim 2 of the present invention. Claim 4 of '018' reads on claim 4 of the present invention. Claim 20 of '018' reads on claims 9-10 and 13 of the present invention. Claim 9 of '018' reads on claims 3, 11-12 and 18-20 of the present invention. Claim 5 of '018' reads on a process that is carried by the arrangement recited in claim 10 of the present invention.

With regards to claims 8-9 and 14-17, the Examiner is taking Official notice that ID devices, such as key fobs, are "encapsulated in a casing" to protect the circuitry of the electronic device from damage. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the ID device 70 and proximity card of Kniffin et al in a first and second casing, as shown in Figure 4, because the first and second casing will advantageously be utilized to protect the ID device and proximity card circuitry from damage and protect the user from getting electrocuted, the same way car remote controllers (i.e. key fobs) are protected with a casing.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached at (571) 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-273-8300.


BRIAN ZIMMERMAN
SUPERVISORY PATENT EXAMINER